

**Notice of Allowability**

Application No.

10/788,534

Examiner

Igor Kershteyn

Applicant(s)

HAUSER ET AL.

Art Unit

3745

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☒ The drawings filed on 27 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 5/27/04, 5/23/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

***Reasons for allowance***

The following is an examiner's statement of reasons for allowance:

The instant invention is deemed to be directed to an unobvious improvement over U.S. Patent No. 6,705,840 which teaches a hydraulic drive apparatus 50, comprising: a housing 52 having a first pump chamber 59a, a second pump chamber 59b, a gear chamber 56, a first opening 37a in a first end adjacent to the first pump chamber 59a and a second opening 37b in a second end opposite the first end and adjacent to the second pump chamber 59b; a first pump 11a rotatably mounted in the first pump chamber; a first pump shaft 63a drivingly engaged to the first pump 11a; a second pump 11b rotatably mounted in the second pump chamber 59b; a second pump shaft 63b drivingly engaged to the second pump 11b; an input shaft 54 drivingly engaged to the first and second pump shafts 63a, 63b.

Regarding claims 1 and 22, the improvement comprises a first center section having hydraulic porting formed therein secured to the first end of the housing to close the first opening and a second center section having hydraulic porting formed therein secured to the second end of the housing to close the second opening, a first hydraulic motor affixed to the first center section and hydraulically connected to the first pump and a second hydraulic motor affixed to the second center section and hydraulically connected to the second pump.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

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preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of three patents.

Jespersen (3,765,258) is cited to show a hydraulic drive apparatus having a housing having two pump chambers and a gear chamber, two pumps, two motors but fails to teach two center sections closing openings of the housing.

Ishii (5,957,229) is cited to show a hydraulic drive apparatus having a housing having two pump chambers and a gear chamber, two pumps, two motors but fails to teach two center sections closing openings of the housing.

### ***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

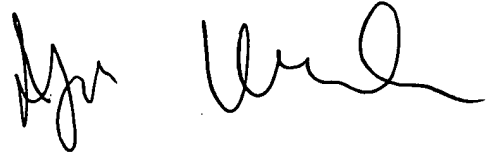
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

July 20, 2005



**Igor Kershteyn**  
**Patent examiner.**  
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**EDWARD K. LOOK**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**

7/25/05